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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 May 1993, at 3 p.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 3.15 p.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 8)

Committee on the Elimination of Discrimination against Women

1. Mrs. IDER said that she had studied the report of the Committee on the Elimination of Discrimination against Women (CEDAW) on its eleventh session held in New York from 20 to 31 January 1992 (A/47/38). The CEDAW had held 17 meetings and its two working groups had held four closed meetings. It had considered the reports of 9 States and had adopted two recommendations, Nos. 19 and 20.

2. Recommendation No. 19 recommended that States should take appropriate and effective measures against all forms of gender-based violence whether by public or private act. States were recommended: to ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence should give adequate protection to all women; to take specific, preventive and punitive measures against trafficking and sexual exploitation of women; to ensure effective complaints procedures and remedies, including compensation; to establish support services for victims, including refugees; to provide criminal penalties and civil remedies in cases of domestic violence, and to take all legal and other measures to provide effective protection of women against gender-based violence including penal sanctions, civil remedies, compensatory provisions, preventive measures, public information and education programmes. Lastly, in reporting on the implementation of the Convention States were requested to include information on all forms of gender-based violence as well as on legal, preventive and protective measures against violence against women and the effectiveness of such measures.

3. In respect of a suggestion concerning the preparation of an optional protocol to the Convention on the Elimination of Discrimination against Women, the CEDAW had decided that neither a substantive nor a procedural optional protocol was desirable at present because a protocol on a single issue - violence against women - would undermine the importance of the other provisions of the Convention. Any such optional protocol should cover all aspects of the Convention.

4. Recommendation 20 related to reservations to the Convention on the Elimination of Discrimination against Women. The CEDAW had recommended that States parties should raise the question of the validity and legal effect of reservations to the Convention in the context of reservations to other human rights treaties, and appeal to States to reconsider their reservations and consider the possibility of introducing a procedure on reservations to the Convention on the Elimination of Discrimination against Women comparable with those of other human rights treaties. The CEDAW had requested its representative on the Preparatory Committee for the World Conference on Human Rights to place on the agenda of that Conference the global issue of reservations to human rights treaties. The Convention on the Elimination of Discrimination against Women had the largest number of reservations of all the international human rights treaties. Most of those reservations were worded so vaguely and generally that it was very difficult to determine what was

being reserved and what would be the impact of the reservation on implementation of the Convention by the reserving State. It was a subject that should be thoroughly discussed.

5. The CEDAW had requested that the issue of equal enjoyment of human rights and fundamental freedoms by women should be fully reflected in the agenda of the World Conference on Human Rights.

Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant (E/C.12/1993/3)

6. The CHAIRPERSON said that reservations were a major problem both for CEDAW and the Committee on the Rights of the Child. There were very few reservations to the International Covenant on Economic, Social and Cultural Rights and they were not controversial, with the exception of one by India relating to self-determination. It might, however, be appropriate for the Committee to express its concern at the increasing number of reservations to international treaties and particularly the vagueness of their wording.

7. Most United Nations treaty bodies had not hitherto emphasized women's rights, but there was now a developing awareness of the importance of that issue within the United Nations, which had led for calls for all the treaty-bodies to focus on women's rights. However, not all the treaty bodies needed to consider those rights as a priority issue and the various committees should therefore discuss the matter and decide the areas in which action was needed.

8. Mr. ALVAREZ VITA strongly endorsed the Chairperson's suggestion that the Committee should express its concern on the subject of reservations.

9. In connection with document E/C.12/1993/3 - only available so far in English - he suggested that in future the document should include the dates of reservations for the benefit of laymen who were not aware of the provision in the Vienna Convention on the Law of Treaties that reservations had to be lodged at the time of deposit of the instrument of ratification or accession.

10. The CHAIRPERSON said that that point would be noted.

11. Mr. SIMMA drew attention to a reservation to article 26 (1) of the Covenant by the Czech Republic upon succession. He pointed out that article 26(1) had been incorporated into the Covenant as a diplomatic way of excluding certain countries. However, a reservation such as that by the Czech Republic seemed to have no raison d'être in 1993.

12. Moreover the Slovak Republic had not yet acceded to the Covenant and perhaps should be reminded to do so. The same was true of the successor States to the USSR, only a few of which had acceded to the Covenant so far.

13. It was true that there were very few reservations to the Covenant. He would in fact welcome more reservations since they would be a sign that States parties were taking the Covenant seriously.

14. The CHAIRPERSON said that the explanation of the reservation of the Czech Republic was that upon acceding to its obligations under the Covenant it had merely renewed all the reservations.

15. On the question of succession in general, the Commission on Human Rights at its last session, had adopted a resolution urging all successor States to indicate clearly that they were acceding to the various treaties. Perhaps Mr. Simma might look into the matter and see whether a communication should be sent to the Slovak Republic and any other country in the same position.

16. Mr. KOUZNETSOV said that although States were authorized under the Vienna Convention on the Law of Treaties to enter reservations to international agreements, it was widely recognized that a reservation should not contradict the purposes of the relevant instrument.

17. He thought it quite possible that the Czech Republic as a successor State might withdraw the reservation at a later stage when it had had time to consider it.

18. He understood Mr. Simma's concern but did not wish the Committee's opinion on such a delicate issue to be publicized. Governments should be allowed to maintain or withdraw reservations as they thought fit. However, in its report the Committee might make a general statement to the effect that it had studied the issue and that many members wished Governments to consider their reservations and restate their attitude, referring specifically to the radically different situation in the world.

19. In reply to a question from Mr. GRISSA, Mr. SIMMA outlined the historical background to the drafting of article 26(1) of the Covenant.

20. The CHAIRPERSON said that the Committee had now concluded its discussion on the question of reservations.

Round Table on the right to participation in cultural life (Helsinki, 30 April-2 May 1993)

21. Ms. HÄUSERMANN (Rights and Humanity) said that, in the run-up to the World Conference on Human Rights, her organization, jointly with CIRCLE, a network of European cultural policy researchers and analysts, had organized a satellite meeting on the right to participate in cultural life, in Helsinki from 30 April to 2 May 1993, which had brought together policy-makers, ministers of culture, artists, human rights advocates, members of disadvantaged groups, minorities and people with disabilities. The purpose of the meeting had been to consider, first, the obstacles to participation of all people in cultural life, and secondly, the nature and scope of the rights and obligations conferred by article 15 of the Covenant and the implications of that article for policy-makers. A full report of the meeting would be available for the next session of the Committee; meanwhile, she wished to offer a brief overview of some of the main conclusions and recommendations it had reached. The full text of those conclusions and recommendations would be circulated to members on request.

22. The meeting had focused on the recent changes in Europe, and had recognized the increasing difficulties experienced by eastern and central European countries in the cultural sphere as a result of economic restructuring, as well as by western European countries as a result of cut-backs in the funding of culture and of what some perceived as a withdrawal of political commitment to the concept of cultural democracy. The main benefit of the meeting had been the recognition by policy-makers that, as a human right, the right to participate in cultural life was non-negotiable and could not be set aside in the face of economic constraints.

23. In their conclusions, participants had recognized that democracy and respect for human rights could not thrive without broad cultural practice within societies, and that participation in cultural life also affected the ability of States to be fully democratic. They had also linked that right to enjoyment of human rights more generally, by concluding that a society which encouraged the development of arts and culture at the widest level through legal protection of cultural rights, appropriate cultural policies and the allocation of sufficient resources would be a society of people better enabled to understand human rights and therefore a society with a better record of respect for human rights. Participants had attached great importance to integration of cultural life and rights in the whole spectrum of human rights, supporting the view frequently endorsed by the Committee that all human rights were indivisible and interdependent.

24. The recommendations began with an analysis of the legal protection provided under article 15, and saw the right to participate in cultural life as including seven key components: respect for one's culture, its integrity and its nature as a dynamic reality; respect for the principle of non-discrimination and equality of access; equality of opportunity for participation; freedom of choice; freedoms indispensable for creative activity, including freedom of expression and intellectual property rights; protection and development of cultures in which to participate, including preservation of the national and international cultural heritage; and opportunity for all sectors of society, particularly members of minority or disadvantaged groups, to participate in cultural policy-making at all levels. One recommendation of particular significance for the Committee was that culture should not be used as an excuse to violate human rights; the rights to cultural identity and to participate in cultural life did not justify harming the physical or moral integrity of others, and could not be used to impose on another person behaviour contrary to his or her integrity.

25. Her organization believed that the process began during the Helsinki Round Table meeting might be of interest to the Committee, not only in connection with the right to participate in cultural life, but also as a way forward in the process of trying to understand the obligations imposed by the Covenant. Some feedback as to whether activities of that type were of value to the Committee would be helpful to her organization in shaping future conferences and workshops of that nature.

26. The CHAIRPERSON said that the Committee looked forward to receiving the written report on the Round Table, which might assist it in the task of formulating a general comment on the question of the right to participate in cultural life.

Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights

27. Mrs. BONOAN-DANDAN said that full details of the recent Seminar organized in accordance with Commission on Human Rights resolution 1991/18 and Economic and Social Council decision 1991/235 and held in Geneva from 25 to 29 January 1993, were available in document A/CONF.157/PC/73, which she urged all members of the Committee to study closely. The initial request for the holding of such a Seminar had been made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the basis of the recommendations of the Special Rapporteur on the realization of economic, social and cultural rights. In view of the nature of its objectives, the Seminar had been considered a satellite meeting to the World Conference on Human Rights. A number of experts from different regions of the world had been invited to prepare background papers and to participate in the Seminar. Members of human rights treaty bodies had been invited to participate, along with a number of United Nations organs and specialized agencies. Mr. Kouznetsov, Mr. Wimer Zambrano, Mrs. Jiménez Butragueño, Mr. Muterahejuru and herself had represented the Committee at the Seminar.

28. The agenda had comprised: (1) The use of indicators within the field of human rights, and in particular, (a) discussion of the precise linkages between human rights and the use of indicators, including a historical analysis and methodologies; (b) evaluation of the level and manner of use of indicators within the various human rights organs of the United Nations; and (c) discussion of the hurdles preventing or limiting the use or applicability of indicators; (2) Recent developments in the field of indicators within the United Nations system, with particular relevance to the issue of economic, social and cultural rights such as the United Nations Development Programme Human Development Report; the United Nations Research Institute for Social Development research programme on qualitative indicators of development; United Nations Children's Fund State of the World's Children; and the World Bank World Development Report; (3) Setting ideal indicators for each of the rights found in the International Covenant on Economic, Social and Cultural Rights, drawing upon the work on indicators carried out by the United Nations and its specialized agencies, including the rights set forth in articles 6 to 15; (4) Discussion of the existence and the need for core indicators for each of the substantive rights; (5) Discussion of the need for entirely new indicators in assessing the realization of economic, social and cultural rights; and (6) Ways to institutionalize the use of indicators within the human rights programme of the United Nations Centre for Human Rights, and standardization and coordination in the use of indicators within the United Nations as a whole.

29. Salient conclusions and recommendations of a general nature included the recommendation by the Special Rapporteur that any attempt at using indicators as a means of measuring or assessing human rights should be based on and be consistent with the rights contained in, inter alia, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, and that any indicators chosen for use in that manner should be in line

with the legal definitions and content given to certain rights by the United Nations as a whole and the treaty bodies in particular. In regard to the latter, indicators should be consistent with the guidelines for States' reports under each of the main human rights treaties.

30. With respect to the suggestions made by the Special Rapporteur, the Seminar had concluded that the first priority was to identify and clarify the content of the various rights and obligations. Only then would it be possible to identify the most appropriate way to assess progressive achievement, which might or might not involve the use of statistical indicators.

31. The interdependence and indivisibility of all human rights, whether economic, social, cultural, civil or political, had been strongly reasserted. Similarly, it had been stressed that the rights contained within the International Covenant on Economic, Social and Cultural Rights were interdependent, and capable of realization only if seen and treated as indivisible. That principle should be recognized at all levels of discussion about measuring the realization of human rights.

32. The importance of the concept of the universality of human rights had been strongly reaffirmed. Nevertheless, in terms of measuring the realization of economic, social and cultural rights it had been recognized that indicators should be sensitive to specific national and regional characteristics, bearing in mind cultural and socio-economic diversity.

33. The Seminar had expressed its concern about the continued neglect of economic, social and cultural rights within the United Nations system and by States parties to the International Covenant on Economic, Social and Cultural Rights. Failure to invest sufficient attention and resources in those rights had resulted in their conceptual underdevelopment and a lack of progressive realization of specific rights in many countries.

34. The Seminar had expressed its regret at the absence of representatives of the World Bank, the Food and Agriculture Organization of the United Nations and the International Fund for Agricultural Development.

35. With regard to the scope and limitations of the application of indicators, it had been recognized that the term "indicators" could be used and interpreted in different ways. "Indicators" might refer to those economic and social statistical data currently utilized by United Nations agencies and other international bodies. The term "indicators" might equally denote information, including statistical data, required or useful in assessing realization of economic, social and cultural rights and States' compliance with Covenant obligations. An important prerequisite for selecting appropriate indicators was the precise identification of what needed to be assessed.

36. After extensive discussion concerning the scope, limitations and current feasibility of the use of indicators, it had been concluded that statistical data had a role to play in providing background in the work relating to the realization of economic, social and cultural rights.

37. At times it might be premature or inappropriate to apply quantifiable indicators, as not all indicators could be expressed in purely numerical terms. It was therefore also important to develop criteria, principles or standards for the assessment of realization of economic, social and cultural rights.

38. In short, many of the Seminar's conclusions and recommendations echoed those reached by the Committee during its own discussions. In addition, she drew members' attention to the extensive discussion during the Seminar of the question of developing indicators for collective rights, which participants felt had been neglected by the human rights community as a result of the undue emphasis placed on individual civil and political rights.

39. The issue of universality versus cultural specificity had also arisen. Some participants had thought that the understanding of what constituted the realization of economic, social and cultural rights varied from culture to culture and between geographical regions, and that further standard-setting in that field might be warranted. They had warned that mere mechanical application of universal standards risked losing sight of reality. The universality of human rights should always take into account specificities and relative measures prevailing at regional and national levels.

40. The CHAIRPERSON asked what collective rights had been identified by the Seminar.

41. Mrs. BONOAN-DANDAN said that the discussion at the general level had not identified or enumerated collective rights as such, although the issue had been discussed within subgroups.

42. Mr. MUTERAHEJURU said that he had been particularly impressed by the high quality of the participants in the Seminar, but that actual beneficiaries of economic, social and cultural rights had perhaps been under-represented at the level of the non-governmental organizations. Provision should be made for fuller participation by beneficiaries in future seminars of that type.

43. It had been clear from the proceedings that all participants shared the same goal of seeking to define the precise content of economic, social and cultural rights. The question arose whether the Committee should appoint a special rapporteur to define the content of those rights, before perhaps formulating a general comment on the matter.

44. It had clearly emerged from the proceedings that cultural rights were still not sufficiently well-known, and that the Committee currently tended to refer to development indicators, rather than to indicators tailored to economic, social and cultural rights. More research was needed in order to distinguish between the two types of indicators. There was also a need to examine the relationship between development and the exercise of each of the rights set forth in the two International Covenants, a question that had not received sufficient attention at the Seminar. In particular, the question arose of the extent to which development was in fact compatible with the exercise of those rights.

45. Mrs. JIMENEZ BUTRAGUEÑO proposed a series of 11 indicators that might be of value in determining the extent of realization of economic and social rights. (She felt that the Committee was not yet in a position to establish readily available, reliable and internationally comparable indicators concerning the right to participate in cultural life.) Indicators concerning the right to work (art. 6) were: (1) the employment rate (the employed population as a percentage of the working population), disaggregated by sex and age group; and (2) the activity ratio (the working population as a percentage of the potential working population), again disaggregated by sex and age groups. Activity ratios were an acceptable indicator with which to ascertain the extent to which the potential working population was able to gain excess to the labour market. Among the younger population, low activity ratios might be attributable to high rates of school attendance at secondary and higher levels.

46. With regard to the right to social security (art. 9), the indicators were: (3) the percentage of total old age, invalidity and survival pensions drawn by persons aged 65 and over; (4) the average annual amount of those pensions, expressed in Purchasing Power Standard Units; (5) the amount of the minimum old age pension, expressed as a percentage of the national minimum wage; (6) the population covered by social security in the area of health assistance, as a percentage of the total population; (7) annual per capita expenditure on health assistance, expressed in Purchasing Power Standard Units; (8) the percentage of registered unemployed drawing unemployment benefit; and (9) the amount of the average unemployment benefit, as a percentage of the national minimum wage.

47. The indicators to be applied with regard to the right to education were: (10) rates of school attendance, disaggregated by sex and by the 5-9, 10-14, 15-19 and 20-24 age groups; and (11) pupil/teacher ratios at pre-school, basic or primary, secondary, vocational and higher levels.

48. Mr. WIMER ZAMBRANO, supported by Mrs. JIMENEZ BUTRAGUEÑO, paid a tribute to the quality of many of the contributions to the Seminar, but pointed out that the situation regarding documentation had left a great deal to be desired; so that when the presiding officials were elected the list of participants had not yet been available.

49. Mr. SIMMA said that feedback from non-governmental organizations having attended the Seminar indicated that, despite organizational weaknesses, its outcome had been considered to be positive. It had not, however, succeeded in solving the intellectual problem of the extent to which social and economic indicators, which were by definition general, should be taken into account in the consideration of the rights of individuals. In his view, indicators were to be considered only as rebuttable presumptions. In the context of such indicators, he drew attention to the observation made by Mr. Grissa, in the course of the Committee's consideration of the report of Lebanon, that there was considerable discrepancy between the minimum wage and per capita gross national product, which suggested wide disparities in income - an indicator which would appear to be significant when considering the enjoyment of economic, social and cultural rights.

50. The CHAIRPERSON, referring to the latter point, agreed that consideration would no doubt have to be given to that indicator. However, while he himself was naturally in favour of more equal distribution of income, it was not immediately clear to him which economic right or provision or which specific conception of the promotion of economic growth could achieve that aim.

51. Mr. GRISSA observed that conflict might arise when defending rights and seeking indicators. In economic terms, everything had a price and in order to achieve one aim it was often necessary to sacrifice another. Somewhat arbitrary choices were made based on what might be rather subjective considerations, depending on the orientation of the political party in power or as a result of a political swing on the occasion of a change of Government. When looking at economic rights it was necessary to consider what was appropriate and acceptable in the context of each country.

52. Mr. RATTRAY, referring to the report on the Seminar (A/CONF.157/PC/73) pointed out that mention was made of international financial institutions in paragraphs 49, 121, 158 and 200 of the report, and that the points raised there might be borne in mind should the Committee make the role of such institutions a subject of general discussion.

Committee on the Elimination of Racial Discrimination

53. Mr. SIMMA, reporting on the forty-second session held from 1 to 19 March 1993, observed that the Committee on the Elimination of Racial Discrimination (CERD), as one of the earliest treaty bodies, had to some extent been frustrated in its objectives by the consequences of the Cold War, unlike the Committee on Economic, Social and Cultural Rights, which had been able to take up its work in 1987 at the time of perestroika and glasnost. CERD had, however, joined the ranks of those treaty bodies leading the way in efforts to make their work more effective.

54. At its most recent session, CERD had focused on four main areas: (1) examining a number of country reports; (2) adopting a wide range of general recommendations; (3) preparing its input for the World Conference on Human Rights, and (4) considering a number of individual complaints.

55. CERD had considered the situation in Ukraine, which had criticized racial tension in two other States - a matter which had given rise to a general recommendation on the part of the Committee. In the case of Algeria, the Committee had had difficulties with the claim that Algeria was an ethnically homogeneous community and a statement to the effect that political organizations in the country must not act in contravention to Muslim morality or the principles of the 1954 revolution, concern being expressed that the rights of non-Muslims might be affected. In considering the case of Qatar, which had placed considerable emphasis on the importance of the Shar'ia as being derived from the will of God, the relationship of the latter and the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination had given rise to some discussion. The question of the

relationship between the Shar'ia and individual rights in the country had also arisen in connection with the Sudan. Subsequently, the Committee had considered the situation of a number of States parties whose reports were overdue, some of which had been represented during discussions.

56. Secondly, CERD had discussed 11 general recommendations of which it had adopted seven. A recommendation of particular interest was that in which CERD indicated that article 1, paragraph 2, of the International Convention was not to be interpreted in the sense that reporting States were not under obligation to report on the treatment of non-citizens. Other general recommendations concerned: de facto discrimination; the succession of the States of the former Yugoslavia, which were urged to confirm that they considered themselves bound by the International Convention, and CERD's concern that some States parties had referred in their reports to racial discrimination in other States.

57. When discussing preparations for the World Conference on Human Rights, CERD had adopted a paper on preventive measures with regard to human rights violations (CERD/C/1993/Misc.1/Rev.2), which might provide the Committee on Economic, Social and Cultural Rights with some ideas.

ORGANIZATION OF WORK (agenda item 2) (continued)

Discussion of reporting procedures

58. In reply to a question by the CHAIRPERSON, Mrs. KLEIN (Centre for Human Rights) said that in the cases of reports which were long overdue, the Committee on the Elimination of Racial Discrimination invited each State party concerned to submit a report as soon as possible and informed it that if no report was forthcoming by the date set, it would consider the situation in the light of previous reports and other material made available to it. In the latter case, it none the less again requested a report in its concluding remarks.

59. The CHAIRPERSON asked how other treaty bodies dealt with situations such as the one with which the Committee was faced in relation to Canada, whose report had been submitted late and had been considered late so that that State party ought in effect to report again in two years' time rather than at the end of the prescribed five-year period.

60. Mrs. KLEIN (Centre for Human Rights) said that the Commission on Human Rights, which also had a five-year reporting cycle, had considered the question and had decided against combining reports but instead on setting a date for submission of reports which was established on a case-by-case basis.

61. The CHAIRPERSON asked the Committee whether it might wish to consider such an approach.

62. Mr. SIMMA said that the possibility of departing from the existing reporting system and adopting a system whereby each State would be encouraged to present a comprehensive initial report and subsequent reports on specific

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issues, as he had suggested earlier, might also be considered in that context as it would allow for greater flexibility and for the specific circumstances of each country to be taken into account.

63. Mr. RATTRAY agreed that Mr. Simma's suggestion had much to recommend it, albeit bearing in mind that an up-to-date base report would be necessary as a springboard from which to start requesting specific information on critical areas. It might also be possible to request States parties when reporting to draw attention to developments in other areas which it considered relevant to the Committee's work. Such a system might mean that the Committee might have more time to turn its attention to States parties that had not submitted a report.

64. The CHAIRPERSON said that Mr. Rattray's concern not to exclude possible areas of interest might be met by requesting the State party to identify any specific developments of significance that were detrimental to the enjoyment of economic, social and cultural rights.

65. Mr. MARCHAN ROMERO said that he could agree on the whole to the suggestions put forward but was rather concerned about leaving it to States parties to identify detrimental aspects. Perhaps that could be done by the pre-sessional working group at its meeting immediately preceding consideration of the report of the State party in question.

66. The CHAIRPERSON said that under the approach he envisaged, it would be up to the pre-sessional working group to consider the information before it, including country analyses prepared by the secretariat and presentations by non-governmental organizations. It would then draw up a short list of the issues that it considered to be most important, on which States would be required to produce a report. By that means, trivial, insignificant statistics on peripheral subjects would be avoided. The advantage of such a procedure - which would, however, impose a heavy responsibility on the working group - was that countries would be forewarned on what would be asked and could send representatives capable of dealing with the issues raised, specialists rather than generalists. He added that it would be desirable to restrict the number of issues raised, although some questions could be clustered around a single topic in order to achieve a real focus.

67. Mr. SIMMA, welcoming the Committee's in-depth discussion of the matter, was confident that the suggested procedure would be effective. He warned, however, that if it was adopted it would require more input from the members, especially the pre-sessional working group, and from non-governmental organizations. He added that from the point of view of the latter, which increasingly put out information concerning the issues to be dealt with by the various committees, it was useful to know that a specific matter was to be discussed, rather than a dry "consideration of articles 6 to 15".

68. The CHAIRPERSON, agreeing, mentioned the complaint made to him by the Australian delegation that the Covenant was so broadly based that a single report could not cover all its provisions. He considered that in the case of Australia questioning should be restricted to, for example, Aboriginal affairs, migrant workers and social security.

69. Mrs. BONOAN-DANDAN welcomed the suggested procedure as an exciting development which would make the Committee more dynamic. Having been a member of the working group, she could foresee a greatly increased workload. It was important not to impose a heavier burden on the secretariat. She added that the working group must be given adequate time before its meeting to consider what was bound to be a greater amount of documentation, given that it had only five days for the meeting itself.

70. The CHAIRPERSON said that he was determined that the Committee should and would get country analyses from the Secretariat, if necessary prepared by students working at the Centre for Human Rights, which would be available before the meeting of the pre-sessional working group. Such an analysis should be a 10-page single-spaced identification of the key issues called from all sources, including newspapers, United Nations reports, the ILO and non-governmental organizations. The country analysis would remain a confidential internal document, but would provide a comprehensive summary, on the basis of which the members of the working group could put together a more detailed dossier identifying the most important issues. If there were seven or eight or even ten reports for consideration, each member of the Working Group could do detailed background research on two countries. He added that without background that the Committee's work was not meaningful.

71. Mr. MUTERAHEJURU raised the possibility of a situation in which some States would not be required to report. Over 30 States had not submitted even an initial report, whereas the Committee was already moving into a second phase. Countries had fallen into two groups, with some producing reports and others failing to do so. He considered that the problems of the missing reports should be dealt with before embarking on a new procedure. Moreover, he wondered whether the Committee could really feel that it was better acquainted with the situation on the ground better than the State concerned; he felt that States should have had some hand in providing the information before the Committee.

72. The CHAIRPERSON stressed that there was no intention of exempting States from the obligation to submit a comprehensive initial report. The 32 States which had not yet submitted a report would be required to do so; the suggested procedure would not affect that requirement. Nor would the Committee be basing itself to any lesser extent on information from the States parties. The suggested opening sentence of the questionnaire to States was, after all, "please inform the Committee of specific difficulties that you have in relation to specific rights under the Covenant". It was thus open to States to submit a report in the traditional style, if they felt the situation called for it, or to restrict themselves to a handful of important issues. It would be fairer to indicate to States in advance what questions would be raised. If they were not forewarned they could not necessarily be blamed if they came unprepared to answer questions on a given topic.

73. He sensed that there was support for change in the Committee, but suggested that the most appropriate course to follow would be to adopt a decision to defer a fuller discussion to the next session, with the aim of reaching a conclusion at that time.

74. Mrs. IDER endorsed the Chairperson's suggestion. She believed it was desirable to have more time to reflect on the proposed new procedure. While it would undoubtedly make the Committee's proceedings more lively, it would also make it more difficult for members to be objective in choosing topics for discussion. It was natural that members, and non-governmental organizations, should take a subjective view of States, but it should be borne in mind that there were other States with bad human rights records which attracted less world attention and there was a danger that the Committee would be unduly influenced by the press, by other outside sources and by their own predilections. It behoved the Committee to be cautious and to learn from the procedure of other human rights bodies. Although the proposed new system was interesting she could not yet fully endorse its adoption.

75. Mr. TEXIER considered the proposal to be most attractive. He often felt that the Committee was engaged in a purely informal dialogue, yielding only a superficial understanding of the country under scrutiny. The new procedure might enable it to look into issues more deeply. However, he supported the suggestion that a final decision should be deferred, since it implied an extensive change in the Committee's methodology. More preparatory work would be required, more information would have to be gleaned from the secretariat and non-governmental organizations, and the pre-sessional working group would have to amend the questionnaire addressed to States parties. It amounted to a fundamental re-think of the Committee's working procedures which would have both methodological and financial implications. He suggested that a detailed document should be drafted, highlighting the changes involved, which could also be beneficial for the States concerned.

76. Mrs. BONOAN-DANDAN expressed the view that the proposed new system was no more than an elaboration of the procedure already followed. It did not represent a radical departure for the Committee itself, although it might seem so to States parties. The main difference was that it would entail more work for the pre-sessional working group, although to the secretariat's credit it already provided a lot of material for the working group. It was a question of streamlining and improving the Committee's working methods rather than instituting radical change. She suggested that the new system should be given a "dry run" at the next meeting of the working group, which could then report back to the Committee.

77. Mr. SIMMA fully endorsed Mrs. Bonoan-Dandan's remarks. Referring to the points made by Mrs. Ider, he said that her misgivings would be more justified if it were the Committee's task to select countries for scrutiny, but as matters stood the Committee's task was merely to seek out the pertinent issues when dealing with any given country. As for objectivity, he believed that all points of view were subjective. However, he supported the proposal to defer the decision and also agreed that a paper outlining the proposed new procedure should be drafted for the benefit of members who were not present.

The meeting rose at 6.10 p.m.